

APR 9 1974

## APPENDIX

MICHAEL ROSE, JR., C

IN THE  
**Supreme Court of the United States**  
OCTOBER TERM, 1974

No. 73-5845

---

CATHERINE JACKSON, On Behalf of Herself  
and All Others Similarly Situated,  
*Petitioner,*

vs.

METROPOLITAN EDISON COMPANY,  
a Pennsylvania Corporation,  
*Respondent.*

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE THIRD CIRCUIT

---

---

PETITION FOR CERTIORARI FILED DECEMBER 3, 1973  
CERTIORARI GRANTED FEBRUARY 19, 1974



IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1974

No. 73-5845

---

CATHERINE JACKSON, On Behalf of Herself  
and All Others Similarly Situated,  
*Petitioner,*

vs.

METROPOLITAN EDISON COMPANY,  
a Pennsylvania Corporation,  
*Respondent.*

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE THIRD CIRCUIT

---

INDEX

	Page
Relevant Docket Entries	
A. District Court .....	1
B. Court of Appeals .....	4
Complaint .....	7
Temporary Restraining Order .....	13
Transcript of Hearing .....	17
Court Exhibit No. 7 (Excerpts) .....	37
Motion to Dismiss .....	64
Memorandum and Order of the District Court .....	66

## II

### INDEX

	Page
Notice of Appeal .....	74
Order of District Court continuing Temporary Restraining Order .....	75
Judgment and Opinion of the Court of Appeals .....	76
Order of Court of Appeals denying petition for rehearing before the Court en banc .....	93
Order granting motion for leave to proceed in forma pauperis and granting petition for writ of certiorari .....	94

## RELEVANT DOCKET ENTRIES

### A. DISTRICT COURT:

Civil No. 71-453

Catherine Jackson, On Behalf of Herself and All  
Others Similarly Situated, Plaintiff

vs.

Metropolitan Edison Company, a Pennsylvania  
Corporation, Defendant

PETITION—of Plaintiff, by counsel, for leave to proceed  
in forma pauperis, and

AFFIDAVIT—thereto, and

ORDER—of Court; Leave is granted to Plaintiff Catherine Jackson to file the Complaint and to proceed thereafter in said case until final determination of said matter or until further order of Court, in forma pauperis without the necessity of payment of fees and costs in this proceeding.

### COMPLAINT—

MOTION—for class action, and temporary restraining order.

ORDER—of Court; Defendant, its agents, servants and employees are hereby enjoined from summarily terminating and discontinuing Plaintiff's electrical services, without prior notice and hearing, and Defendant is further enjoined and directed to restore Plaintiff's electrical services, and it is further

Ordered that this order will expire within 5 days after entry unless within such time the order for good cause is extended, or unless the Defendant consents that it may be extended for a longer period; and it is further

## RELEVANT DOCKET ENTRIES

Ordered that the Plaintiff's motion for a preliminary injunction be set down for a hearing on the 22nd day of October 1971, at 10:00 A.M. at U.S. Courthouse, Scranton, Pennsylvania and it is further

Ordered that copies of this order and of Plaintiff's complaint submitted therewith be immediately served upon the Defendant.

**AFFIDAVIT**—of service

**PRELIMINARY STATEMENT**—of plaintiff.

**MINUTE SHEET**—re hearing on motion for preliminary injunction. Defendant to file motion to dismiss and brief thereon within 3 weeks. Plaintiff may file reply brief. In the meantime, further hearing on motion for a preliminary injunction is continued. (N)

**MOTION**—of Defendant to dismiss, and

**NOTICE**—motion will be presented to the Court at such time as the Court directs; attached thereto.

**MOTION**—of the Commonwealth of Pennsylvania, Applicant for Intervention for leave to intervene as a Plaintiff in this action.

**DEFENDANT'S MOTION**—in opposition to Commonwealth's motion to intervene, and

**ORDER**— . . . On November 24, 1971, the Commonwealth of Pennsylvania submitted a motion to intervene in which it was averred that since the outcome of this case would substantially affect all Pennsylvania electricity consumers and that since the Attorney General was the chief legal counsel for the citizens of Pennsylvania, only his intervention could insure adequate representation in this case. However, Commonwealth neglected to attach to its motion the pleading required by

# RELEVANT DOCKET ENTRIES

Rule 24, Fe.R.Civ.P. setting forth the claim or defense for which intervention was sought.

...

The court has personally contacted the Attorney General's office on several occasions on the matter, only to be told the motion would be submitted without any further delay.

....

The Commonwealth is hereby allowed 10 days in which to submit a proper application of intervention or its prior motion will be stricken.

Copy to counsel of record.

**MEMORANDUM AND ORDER**—Now, this 30th day of June, 1972, in accordance with memorandum filed this day, defendants motion is granted and plaintiff's claim is dismissed. (n) Copies mailed to Counsel of record.

**MOTION**—of Plaintiff for Stay or Order and Continuance of Temporary Restraining Order and

**NOTICE**—of Motion, and

**CERTIFICATE**—of service thereof

**NOTICE OF APPEAL**—of Plaintiff from Order and Memo of June 30, 1972

Copy U.S. Court of Appeals, counsel of record

**MEMORANDUM**—in Opposition to Plaintiff's Motion for Stay of Order and Continuance of Temporary Restraining Order, and

**AFFIDAVIT**—of Ernest W. Schleicher, V.P. of Metropolitan Edison Co.

**ORDER**—Upon consideration of the motion of plaintiff to restore during the pendency of the Appeal in the case

# RELEVANT DOCKET ENTRIES

the Temporary Restraining Order issued by this court against the defendant on October 18, 1971, and subsequently extended by agreement of the parties, and

It appearing to the Court that the status quo should be preserved until the disposition of Plaintiff's Appeal by the Court of Appeals for the Third Circuit.

It is Ordered that the Temporary Restraining Order issued on October 18, 1971 and extended by agreement is restored pending determination of plaintiff's Appeal and defendant is enjoined from summarily terminating and discontinuing plaintiff's electrical services, without a prior notice and hearing. Plaintiff is not required to file a Bond. (N)

LETTER—from U.S. Court of Appeals. Appeal docketed to No. 72-1745.

## B. COURT OF APPEALS:

Case No. 72-1745

Catherine Jackson, On Behalf of Herself and All Others Similarly Situated, Plaintiff

vs.

Metropolitan Edison Company, a Pennsylvania Corporation, Defendant

Forma Pauperis granted in D.C.—see copy of D.C. order dated October 18, 1971 by Nealon, J. granting appellant leave to proceed in forma pauperis, etc.

Copy of Notice of Appeal, rec'd July 17, 1972 filed.

Record rec'd August 9, 1972, filed.

Motion by appellant for hearing of appeal on original record without necessity of reproducing parts thereof, filed. (3 cc). Certificate of service attached.



## RELEVANT DOCKET ENTRIES

Submitted on above motion by appellant. Clerk.

Appearance of Edward J. Dailey, Esq. for Amicus Curiae (National Consumer Law Center, Inc.), filed.

Order (Clerk) granting appellant's motion for hearing of appeal on original record without necessity of reproducing parts thereof, provided that there is filed with the brief for appellant, four copies of the opinion, and order from which this appeal is taken, filed.

Order (Staley, *Van Dusen* and Rosenn) granting motion by National Consumer Law Center, Inc. for leave to file brief Amicus Curiae, filed

Brief for Commonwealth of Pennsylvania as amicus curiae, rec'd October 3, 1973, filed. (24 add'l rec'd October 5, 1972)

Motion by Fellowship Commissions Committee on Consumer and Citizen Complaints as amicus curiae for leave to file its brief out of time (also treated as a motion to file an amicus brief, as well as out of time), filed.

Argued. Coram: Hunter and Weis, C.J. and Scalera, D.J.

Opinion of the Court (Hunter \* and Weis, Circuit Judges and Scalera, District Judge), filed.

Judgment affirming the judgment of the D.C. filed June 30, 1972, with costs taxed against appellant, filed. \* Judge Hunter was present at the argument of this case but did not participate in the decision.

Certified judgment in lieu of formal mandate issued.

Motion by appellant for leave to file petition for rehearing nunc pro tunc, filed. (4 copies) service attached.

Letter dated September 17, 1973 from Paul A. Barrett, Esquire for the information of the court.